

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
SAID CHAHMOUNE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-0606
)	
KHUSH D. WADHWA, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter comes before the Court on Defendants' Motion for Judgment on the Pleadings or, in the Alternative, to Dismiss Pursuant to Rule 12(b)(1) and Rule 12(c), Federal Rules of Civil Procedure.

The Court finds that Plaintiff's claims were not filed within the applicable two-year statute-of-limitations pursuant to 29 U.S.C. § 255 (2000). Furthermore, the statute-of-limitations tolling law from Virginia does not apply to a claim filed in federal court pursuant to federal question subject matter jurisdiction under 28 U.S.C. § 1331. Lewis v. Richmond City Police Dep't, 947 F.2d 733, 735 (4th Cir. 1991). Thus, it is hereby

ORDERED that Defendants' Motion for Judgment on the Pleadings or, in the Alternative, to Dismiss Pursuant to Rule

12(b) (1) and Rule 12(c), Federal Rules of Civil Procedure is
GRANTED and this case is dismissed.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
November 18, 2005